

Division 3. Air Resources Board

Chapter 3.5. Heavy-Duty Diesel Smoke Emission Testing, and Heavy-Duty Vehicle Emission Control System Inspections

§ 2185. Civil Penalty Schedule.

(a) The owner of a heavy-duty vehicle that fails the test procedure or the emission controls system inspection, including by refusal to submit, is subject to the following penalty schedule:

(1) The owner of a vehicle, other than a schoolbus, that is cited for the first time pursuant to section 2182 or 2183 and for which demonstration of correction is provided and payment is made within 45 days from personal or certified mail receipt of the citation, shall pay the minimum penalty of \$300.

(2) The owner of a vehicle that is cited for the first time pursuant to section 2184, or that is cited for the first time pursuant to sections 2182 or 2183 and for which demonstration of correction is not provided within 45 days from personal mail or certified mail receipt of the citation shall provide demonstration of correction and pay the minimum penalty of \$300 and the basic penalty of \$500 for a total of \$800. Schoolbuses are exempt from the \$300 minimum penalty for the first violation only.

(3) The owner of a vehicle that is cited within 12 months from the issuance of the most recent citation for that vehicle shall within 45 days from personal or certified mail receipt of the current citation provide demonstration of correction and pay the penalty of \$1,500 and the minimum penalty of \$300 for a total of \$1,800.

(b)(1) No citation shall be issued to the owner of a heavy-duty vehicle powered by a pre-1991 model-year diesel engine on the basis of a measured smoke opacity exceeding 55 percent but not exceeding 69 percent, unless:

(A) the owner fails to provide a demonstration of correction within 45 days from personal or certified mail receipt of the notice of violation, or

(B) a notice of violation or citation has been issued for the vehicle in the preceding 12 months.

(2) The owner of a vehicle that is the subject of a notice of violation and for which demonstration of correction is provided within 45 days from personal or certified mail receipt of the notice of violation shall not be subject to a penalty for the violation.

(3) The owner of a vehicle that is initially subject to a notice of violation, but is cited after a demonstration of correction is not provided within 45 days from personal or certified mail receipt of a notice of violation, shall be subject to the penalty in section 2185(a)(2).

(4)(A) Where a heavy-duty vehicle with a pre-1991 engine inspected in accordance with section 2181 has a measured opacity exceeding 55 percent but not exceeding 69 percent within 12 months of issuance of a notice of violation for which a demonstration of correction was timely provided within the applicable 45-day period, a citation shall be issued and the owner shall be subject to the penalty in section 2185(a)(2).

(B) Where a heavy-duty vehicle with a pre-1991 engine inspected in accordance with section 2181 has a measured opacity exceeding 55 percent but not exceeding 69 percent within 12 months of issuance of a notice of violation for which a demonstration of correction was not timely provided within the applicable 45-day period, a citation shall be issued and the owner shall be subject to the penalty in section 2185(a)(3).

(c) If a vehicle fails the test procedure or an emission control system inspection one year or more after the date of its most recent failure, the owner of that vehicle shall be subject to the penalty schedule in section 2185(a)(1) and (2).

(d) When a vehicle is cited after a bona fide change of ownership between non-related persons or entities, the new owner shall be subject to the penalty schedule in section 2185(a)(1) and (2) if the only citations issued for the vehicle within the previous 12 months were issued prior to the change of ownership to the new owner.

(e) An owner who has been cited twice or more for tampered emission controls on the same vehicle shall be subject to the penalty in section (a)(3), notwithstanding section 2185(c).

NOTE: Authority cited: Sections 39600, 39601, 43013 and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018 and 44011.6, Health and Safety Code. Sections 305, 505 and 545, Vehicle Code.

REFERENCE